

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
GERALD HAYDEN,

Plaintiff,

-against-

INTERNATIONAL BUSINESS
MACHINES CORPORATION, PABLO
SUAREZ and SHANKER RAMAMURTHY,

Defendants.
-----X

ORDER

21 Civ. 2485 (VB)(JCM)

The Court has reviewed the parties' December 5, 2023 joint letter proposing competing schedules for: (1) Defendants production of documents pursuant to the rulings made on the record at the November 15, 2023 conference; (2) the date by which Plaintiff will take a Fed. R. Civ. P. 30(b)(6) deposition of Defendants; and (3) the completion of expert discovery. (Docket Nos. 191; 192). Since the parties were unable to come up with a schedule on their own, the Court adopts the following schedule:

1. By December 8, 2023, Defendants shall produce all documents specified by the Court during the November 15, 2023 conference. This includes all Statements of Work for the period of May 1, 2019 to September 30, 2023 for the 30 Integrated Accounts that "include the provision of Cloud Pak for Data, Cloud Pak for Integration or Cloud Pak for Business Automation" limited, where possible, to when these products were offered in conjunction with RedHat Open Shift. (Docket No. 184-1 at 2).
 - a. This does not mean that Defendants must produce all Statements of Work for the 30 Integrated Accounts regardless of whether the work contemplated in the SOW relates to the Cloud Pak products at issue. Rather, Defendants production shall be limited to what Plaintiff requested—Statements of Work


where the provision of work includes “Cloud Pak for Data, Cloud Pak for Integration or Cloud Pak for Business Automation” when offered together with RedHat Open Shift. (*Id.* at 2 § (A)(2)).

2. By December 15, 2023, Plaintiff must identify which, if any, Statements of Work Defendant produced incorporate his alleged trade secrets.
3. By December 20, 2023, Defendant shall produce revenue data for the products and/or accounts identified by Plaintiff from the Statements of Work that allegedly incorporate his trade secrets.
4. By January 10, 2024, Plaintiff shall take his Fed. R. Civ. P. 30(b)(6) deposition of Defendant.
5. By February 2, 2024, Plaintiff shall make his expert disclosures under Fed. R. Civ. P. 26(a)(2).
6. By March 8, 2024, Defendants shall make their expert disclosures under Fed. R. Civ. P. 26(a)(2).
7. All expert discovery shall be completed by March 29, 2024.

The parties are cautioned that this is already a more generous schedule than the Court initially anticipated. Therefore, absent a showing of *compelling circumstances*, these deadlines will not be further adjourned.

Dated: December 6, 2023
White Plains, New York

SO ORDERED:


JUDITH C. McCARTHY
United States Magistrate Judge